

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**CHARLES CHANDLER**

**CIVIL DOCKET No. 6:23-cv-00677**

**VERSUS**

**JUDGE DAVID C. JOSEPH**

**TIM HOOPER**

**MAGISTRATE JUDGE CAROL B.  
WHITEHURST**

**ORDER**

Before the Court is a REQUEST FOR CERTIFICATE OF APPEALABILITY [Doc. 20] filed by Charles Chandler (hereinafter, “Petitioner”). Defendant Tim Hooper filed objections, to which the Petitioner filed a reply. [Docs. 23, 24]. After careful consideration, Petitioner’s REQUEST FOR CERTIFICATE OF APPEALABILITY is GRANTED.

Rule 11 of the Rules Governing Section 2254 Proceedings sets forth that “[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” RULES GOVERNING SECTION 2254 PROCEEDINGS, Rule 11(a). A certificate of appealability may be issued “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The applicant must “sho[w] that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Miller-El v. Cockrell*, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L.Ed.2d 931 (2003). “Any doubts as to whether a [certificate of

appealability] should issue must be resolved in Petitioner's favor." *Medellin v. Dretke*, 371 F.3d 270, 275 (5th Cir. 2004).

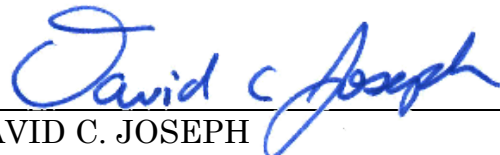
Here, Petitioner seeks to appeal this Court's denial of his PETITION FOR WRIT OF HABEAS CORPUS [Docs. 18, 19] to the Fifth Circuit Court of Appeals. After applying the facts alleged and procedural history of this matter to the applicable standard of review, the Court finds that Petitioner should be granted a certificate of appealability.

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that Petitioner's REQUEST FOR CERTIFICATE OF APPEALABILITY [Doc. 20] is GRANTED.

THUS, DONE AND SIGNED in Chambers on this 24th Day of January 2025.



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DAVID C. JOSEPH  
UNITED STATES DISTRICT JUDGE